



Reprinted
February 21, 2001

SENATE BILL No. 485

DIGEST OF SB 485 (Updated February 20, 2001 3:27 PM - DI 87)

Citations Affected: IC 4-3; IC 36-1.

Synopsis: Municipality and county road and bridge projects. Provides that a municipality or a county may use its own workforce to construct, maintain, or repair any highway, street, alley, road, or bridge within the jurisdiction of the municipality or county whenever the cost of the project is estimated to be less than \$150,000.

Effective: July 1, 2001.

Hume, Wheeler, Merritt, Skillman

January 22, 2001, read first time and referred to Committee on Governmental and Regulatory Affairs.
February 15, 2001, amended, reported favorably — Do Pass.
February 20, 2001, read second time, amended, ordered engrossed.

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SB 485—LS 7046/DI 87+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 485

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-3-19-23 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. A person who
3 believes that a department has violated IC 8-23-9, IC 8-23-11, ~~or~~
4 IC 36-1-12-3, **or IC 36-1-12-3.1** may file a written complaint with the
5 board. The complaint must set forth the alleged violation.

6 SECTION 2. IC 4-3-19-28 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28. The opinion issued
8 under section 27 of this chapter must:

9 (1) state whether the department has violated IC 8-23-9,
10 IC 8-23-11, ~~or~~ IC 36-1-12-3, **or IC 36-1-12-3.1**; and

11 (2) be forwarded to the person who filed the complaint and the
12 department not later than sixty (60) days after the hearing is
13 conducted.

14 SECTION 3. IC 36-1-12-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) **Except as**
16 **provided in section 3.1 of this chapter**, the board may purchase or
17 lease materials in the manner provided in IC 5-22 and perform any

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public work, by means of its own workforce, without awarding a contract whenever the cost of that public work project is estimated to be less than one hundred thousand dollars (\$100,000). Before a board may perform any work under this section by means of its own workforce, the political subdivision or agency must have a group of employees on its staff who are capable of performing the construction, maintenance, and repair applicable to that work. For purposes of this subsection, the cost of a public work project includes the actual cost of materials, labor, equipment, rental, a reasonable rate for use of trucks and heavy equipment owned, and all other expenses incidental to the performance of the project.

(b) When the project involves the rental of equipment with an operator furnished by the owner, or the installation or application of materials by the supplier of the materials, the project is considered to be a public work project and subject to this chapter. However, an annual contract may be awarded for equipment rental and materials to be installed or applied during a calendar or fiscal year if the proposed project or projects are described in the bid specifications.

(c) A board of aviation commissioners or an airport authority board may purchase or lease materials in the manner provided in IC 5-22 and perform any public work by means of its own workforce and owned or leased equipment, in the construction, maintenance, and repair of any airport roadway, runway, taxiway, or aircraft parking apron whenever the cost of that public work project is estimated to be less than fifty thousand dollars (\$50,000).

(d) Municipal and county hospitals must comply with this chapter for all contracts for public work that are financed in whole or in part with cumulative building fund revenue, as provided in section 1(c) of this chapter. However, if the cost of the public work is estimated to be less than fifty thousand dollars (\$50,000), as reflected in the board minutes, the hospital board may have the public work done without receiving bids, by purchasing the materials and performing the work by means of its own workforce and owned or leased equipment.

(e) If a public works project involves a structure, an improvement, or a facility under the control of a department (as defined in IC 4-3-19-2(2)), the department may not artificially divide the project to bring any part of the project under this section.

SECTION 4. IC 36-1-12-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3.1. (a) This section applies to a municipality or a county.**

(b) The board may purchase or lease materials in the manner

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1 provided in IC 5-22 and perform any public work, by means of its
2 own workforce, in the construction, maintenance, and repair of any
3 highway, street, alley, road, or bridge within the jurisdiction of the
4 municipality or county without awarding a contract whenever the
5 cost of that public work project is estimated to be less than one
6 hundred fifty thousand dollars (\$150,000).

7 (c) Before the municipality or county may perform any work
8 under this section by means of its own workforce, the municipality
9 or county must have a group of employees on its staff who are
10 capable of performing the construction, maintenance, and repair
11 applicable to that work.

12 (d) For purposes of this section, the cost of a public work project
13 includes the actual cost of materials, labor, equipment, rental, a
14 reasonable rate for use of trucks and heavy equipment owned, and
15 all other expenses incidental to the performance of the project.

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SENATE MOTION

Mr. President: I move that Senator Wheeler be added as second author of Senate Bill 485.

HUME

SENATE MOTION

Mr. President: I move that Senator Merritt be added as coauthor of Senate Bill 485.

HUME

SENATE MOTION

Mr. President: I move that Senator Skillman be added as coauthor of Senate Bill 485.

HUME

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 485, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 40, after "to a" insert "**municipality or a**".

and when so amended that said bill do pass.

(Reference is to SB 485 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 8, Nays 2.

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SENATE MOTION

Mr. President: I move that Senate Bill 485 be amended to read as follows:

Page 3, line 2, after "any" insert "**highway, street, alley,**".

Page 3, line 3, after "road" insert ",".

Page 3, line 3, after "bridge" insert "**within the jurisdiction of the municipality or county**".

Page 3, line 6, after "the" insert "**municipality or**".

Page 3, line 7, after "the" insert "**municipality or**".

(Reference is to SB 485 as printed February 16, 2001.)

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